
PRELIMINARY DRAFT

No. 3026

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2007 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 25-1; IC 25-16.5.

Synopsis: Fire sprinkler contractors and installers. Requires the fire prevention and building safety commission to: (1) license automatic fire sprinkler contractors and journeyman automatic fire sprinkler fitters; and (2) register automatic fire sprinkler system apprentices. Establishes requirements for licensure and registration. Makes it a Class B misdemeanor for a person to engage in certain acts concerning fire sprinkler licensing.

Effective: July 1, 2007.



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.87-2005,
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 2.1. Rather than being issued annually, the
4 following permits, licenses, certificates of registration, or evidences of
5 authority granted by a state agency must be issued for a period of two
6 (2) years or for the period specified in the article under which the
7 permit, license, certificate of registration, or evidence of authority is
8 issued if the period specified in the article is longer than two (2) years:

- 9 (1) Certified public accountants, public accountants, and
10 accounting practitioners.
11 (2) Architects and landscape architects.
12 (3) Dry cleaners.
13 (4) Professional engineers.
14 (5) Land surveyors.
15 (6) Real estate brokers.
16 (7) Real estate agents.
17 (8) Security dealers' licenses issued by the securities
18 commissioner.
19 (9) Dental hygienists.
20 (10) Dentists.
21 (11) Veterinarians.
22 (12) Physicians.
23 (13) Chiropractors.
24 (14) Physical therapists.
25 (15) Optometrists.
26 (16) Pharmacists and assistants, drugstores or pharmacies.
27 (17) Motels and mobile home community licenses.
28 (18) Nurses.
29 (19) Podiatrists.
30 (20) Occupational therapists and occupational therapy assistants.
31 (21) Respiratory care practitioners.



(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

(28) Athlete agents.

(29) Manufactured home installers.

(30) Home inspectors.

(31) Automatic fire sprinkler contractors, automatic fire sprinkler system apprentices, and journeyman automatic fire sprinkler fitters.

SECTION 2. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).



- 1 (14) Indiana optometry board (IC 25-24).
- 2 (15) Indiana board of pharmacy (IC 25-26).
- 3 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 4 (17) Board of podiatric medicine (IC 25-29-2-1).
- 5 (18) Board of environmental health specialists (IC 25-32-1).
- 6 (19) State psychology board (IC 25-33).
- 7 (20) Speech-language pathology and audiology board
- 8 (IC 25-35.6-2).
- 9 (21) Indiana real estate commission (IC 25-34.1-2).
- 10 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 11 (23) Department of natural resources for purposes of licensing
- 12 water well drillers under IC 25-39-3.
- 13 (24) Respiratory care committee (IC 25-34.5).
- 14 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 15 (26) Occupational therapy committee (IC 25-23.5).
- 16 (27) Social worker, marriage and family therapist, and mental
- 17 health counselor board (IC 25-23.6).
- 18 (28) Real estate appraiser licensure and certification board
- 19 (IC 25-34.1-8).
- 20 (29) State board of registration for land surveyors
- 21 (IC 25-21.5-2-1).
- 22 (30) Physician assistant committee (IC 25-27.5).
- 23 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 24 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 25 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 26 (34) Indiana physical therapy committee (IC 25-27).
- 27 (35) Manufactured home installer licensing board (IC 25-23.7).
- 28 (36) Home inspectors licensing board (IC 25-20.2-3-1).
- 29 **(37) Fire prevention and building safety commission**
- 30 **(IC 22-12-2-1).**
- 31 ~~(37)~~ **(38)** Any other occupational or professional agency created
- 32 after June 30, 1981.

33 SECTION 3. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board"
 35 means any of the following:

- 36 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 37 (2) Board of registration for architects and landscape architects
- 38 (IC 25-4-1-2).
- 39 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 40 (4) State board of barber examiners (IC 25-7-5-1).
- 41 (5) State boxing commission (IC 25-9-1).
- 42 (6) Board of chiropractic examiners (IC 25-10-1).
- 43 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 44 (8) State board of dentistry (IC 25-14-1).
- 45 (9) State board of funeral and cemetery service (IC 25-15).
- 46 (10) State board of registration for professional engineers



- 1 (IC 25-31-1-3).
- 2 (11) Indiana state board of health facility administrators
- 3 (IC 25-19-1).
- 4 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 5 (13) Mining board (IC 22-10-1.5-2).
- 6 (14) Indiana state board of nursing (IC 25-23-1).
- 7 (15) Indiana optometry board (IC 25-24).
- 8 (16) Indiana board of pharmacy (IC 25-26).
- 9 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 10 (18) Board of environmental health specialists (IC 25-32-1).
- 11 (19) State psychology board (IC 25-33).
- 12 (20) Speech-language pathology and audiology board
- 13 (IC 25-35.6-2).
- 14 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 15 (22) Indiana board of veterinary medical examiners
- 16 (IC 15-5-1.1-3).
- 17 (23) Department of insurance (IC 27-1).
- 18 (24) State police department (IC 10-11-2-4), for purposes of
- 19 certifying polygraph examiners under IC 25-30-2.
- 20 (25) Department of natural resources for purposes of licensing
- 21 water well drillers under IC 25-39-3.
- 22 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 23 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 24 (28) Social worker, marriage and family therapist, and mental
- 25 health counselor board (IC 25-23.6-2-1).
- 26 (29) Real estate appraiser licensure and certification board
- 27 (IC 25-34.1-8).
- 28 (30) State board of registration for land surveyors
- 29 (IC 25-21.5-2-1).
- 30 (31) Physician assistant committee (IC 25-27.5).
- 31 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 32 (33) Board of podiatric medicine (IC 25-29-2-1).
- 33 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 34 (35) Indiana physical therapy committee (IC 25-27).
- 35 (36) Manufactured home installer licensing board (IC 25-23.7).
- 36 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 37 **(38) Fire prevention and building safety commission**
- 38 **(IC 22-12-2-1) for:**
- 39 **(A) licensing automatic fire sprinkler contractors and**
- 40 **journeymen automatic fire sprinkler fitters; and**
- 41 **(B) registering automatic fire sprinkler system apprentices.**
- 42 ~~(38)~~ **(39)** Any other occupational or professional agency created
- 43 after June 30, 1981.
- 44 SECTION 4. IC 25-1-11-1 IS AMENDED TO READ AS
- 45 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this
- 46 chapter, "board" means any of the following:



- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Fire prevention and building safety commission (IC 22-12-2-1).**

SECTION 5. IC 25-16.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 16.5. FIRE SPRINKLER CONTRACTORS AND INSTALLERS

Chapter 1. Application

Sec. 1. This article applies to a person that:

- (1) conducts a business involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system; or
- (2) installs automatic fire sprinkler systems.

Sec. 2. This article does not apply to a person that is an:

- (1) architect acting within the scope of the person's license; or
- (2) engineer acting within the scope of the person's registration.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Automatic fire sprinkler contractor" means a person that conducts a business involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system.

Sec. 3. "Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with the rules of the commission. The system may include:

- (1) a water supply, including:**



- 1 (A) a gravity tank;
- 2 (B) a fire pump;
- 3 (C) a reservoir;
- 4 (D) a pressure tank; or
- 5 (E) a connection beginning at the supply side of a gate
- 6 valve located at or near the property line where the pipe or
- 7 piping system provides water used exclusively for fire
- 8 protection and related appurtenances and to standpipes
- 9 connected to automatic sprinkler systems;
- 10 (2) an aboveground network of specially sized or
- 11 hydraulically designed piping installed in a building or part of
- 12 a building to which sprinklers are connected in a systematic
- 13 pattern;
- 14 (3) a controlling valve and a device for actuating an alarm
- 15 when the system is in operation; and
- 16 (4) activation of the system by heat from a fire and discharge
- 17 of water over the fire area.

18 Sec. 4. "Automatic fire sprinkler system apprentice" means an
19 individual who is:

- 20 (1) engaged in learning and assisting in the installation of
- 21 automatic fire sprinkler systems; and
- 22 (2) employed by an automatic fire sprinkler system contractor
- 23 or a journeyman automatic fire sprinkler fitter.

24 Sec. 5. "Commission" means the fire prevention and building
25 safety commission established by IC 22-12-2-1.

26 Sec. 6. "Journeyman automatic fire sprinkler fitter" means an
27 individual other than an automatic fire sprinkler contractor who
28 is engaged in the installation of automatic fire sprinkler systems.

29 Sec. 7. "Licensee" means a person that holds:

- 30 (1) an automatic fire sprinkler contractor's license under this
- 31 article; or
- 32 (2) a journeyman automatic fire sprinkler fitter's license
- 33 under this article.

34 Sec. 8. "Person" means an individual, a partnership, a limited
35 liability company, or a corporation.

36 Chapter 3. Licensing and Registration Requirements

37 Sec. 1. A person may not conduct a business involving the:

- 38 (1) installation;
- 39 (2) maintenance;
- 40 (3) replacement; or
- 41 (4) repair;

42 of an automatic fire sprinkler system without an automatic fire
43 sprinkler contractor's license issued by the commission under this
44 chapter.

45 Sec. 2. An individual may not engage in the installation of an
46 automatic fire sprinkler system without a journeyman automatic



1 fire sprinkler fitter's license issued by the commission under this
2 chapter.

3 **Sec. 3.** An individual may not engage in assisting an automatic
4 fire sprinkler contractor or a journeyman automatic fire sprinkler
5 fitter in the installation of an automatic fire sprinkler system
6 without:

- 7 (1) obtaining a license described in section 2 of this chapter;
- 8 or
- 9 (2) registering with the commission as an automatic fire
10 sprinkler system apprentice.

11 **Sec. 4.** A person applying for an automatic fire sprinkler
12 contractor's license shall:

- 13 (1) apply for the license on a form prescribed by the
14 commission;
- 15 (2) comply with the requirements of this article and the rules
16 established by the commission; and
- 17 (3) pay the licensing fees established by the commission under
18 section 7(a) of this chapter.

19 **Sec. 5.** An individual applying for a journeyman automatic fire
20 sprinkler fitter's license shall:

- 21 (1) apply for the license on a form prescribed by the
22 commission;
- 23 (2) comply with the requirements of this article and the rules
24 established by the commission; and
- 25 (3) pay the licensing fees established by the commission under
26 section 7(a) of this chapter.

27 **Sec. 6.** An individual registering as an automatic fire sprinkler
28 system apprentice shall:

- 29 (1) register on a form prescribed by the commission;
- 30 (2) comply with the requirements of this article and the rules
31 established by the commission;
- 32 (3) enroll in an automatic fire sprinkler system apprenticeship
33 program approved by the commission; and
- 34 (4) pay the registration fee established by the commission
35 under section 7(b) of this chapter.

36 **Sec. 7.** (a) The commission shall establish fees for issuance and
37 renewal of a license under this article.

38 (b) The commission shall establish fees for issuance and renewal
39 of a certificate of registration under this article.

40 **Sec. 8.** A political subdivision may not require a licensee or an
41 individual registered under this chapter to submit to any other
42 form of licensing or registration except for that required by a
43 political subdivision for onsite automatic fire sprinkler system
44 installation. However, this article does not limit the power of a
45 political subdivision to regulate the quality and character of work
46 performed by a licensee or an individual registered under this



chapter through the enforcement of building codes or conducting of inspections.

Sec. 9. A person that holds a license or certificate of registration under this article must show the license or certificate of registration to a person upon request.

Sec. 10. The commission may adopt rules under IC 4-22-2 to implement this article.

Chapter 4. Renewal of License

Sec. 1. A license or registration issued under IC 25-16.5-3 expires two (2) years after it is issued.

Sec. 2. A person that applies to renew a license as an automatic fire sprinkler contractor or a journeyman automatic fire sprinkler fitter shall:

- (1) apply for license renewal on a form prescribed by the commission;
- (2) pay the renewal fee established by the commission;
- (3) if an individual, complete twenty-four (24) hours of continuing education as approved by the commission; and
- (4) comply with other requirements established by the commission.

Sec. 3. An individual who applies to renew a certificate of registration as an automatic fire sprinkler system apprentice shall:

- (1) apply to renew the certificate of registration on a form prescribed by the commission;
- (2) pay the renewal fee established by the commission;
- (3) complete twelve (12) hours of continuing education as approved by the commission; and
- (4) comply with other requirements established by the commission.

Sec. 4. The renewal fee must be paid in accordance with IC 25-1-8-2(d).

Chapter 5. Disciplinary Proceedings

Sec. 1. The commission may take disciplinary action against a licensee or an individual that holds a certificate of registration under this article for any of the following violations:

- (1) Violating this article or rules adopted by the commission.
- (2) Making a false or materially misleading representation:
 - (A) in an application form or renewal form for a license or certificate of registration; or
 - (B) in information provided to the commission.
- (3) Failing to pay fees or civil penalties required under this article.
- (4) Communicating to the public false or misleading information concerning the license or registration held by the licensee or individual.

Sec. 2. The procedures set forth in IC 4-21.5 govern the



commission's conduct of disciplinary hearings.

Sec. 3. The commission may suspend a license or registration under IC 22-12-7-7(4)(B). The emergency suspension may be renewed, after a hearing, for up to ninety (90) days.

Sec. 4. A person that knowingly or intentionally engages in or offers to engage in conduct involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system or in the practical installation of an automatic fire sprinkler system and that:

- (1) presents as a person's own the license of another;
- (2) intentionally gives false or materially misleading information of any kind to the commission or a commission member in connection with licensing matters;
- (3) impersonates another licensee;
- (4) uses an expired, suspended, or revoked license; or
- (5) otherwise violates this article;

commits a Class B misdemeanor.

Sec. 5. A person that applies for and is denied a license or registration or a licensee or person that holds a certificate of registration and is aggrieved by an order or a determination of the commission is entitled to a judicial review under IC 4-21.5.

SECTION 6. [EFFECTIVE JULY 1, 2007] (a) The definitions in IC 25-16.5-2, as added by this act, apply to this SECTION.

(b) Notwithstanding IC 25-16.5-3, as added by this act, a person that, before July 1, 2009:

- (1) engages in conduct involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system; or
- (2) installs fire sprinklers;

does not violate IC 25-16.5-3-1 or IC 25-16.5-3-2, both as added by this act, and may not be disciplined or sanctioned for failure to have an automatic fire sprinkler contractor's license or a journeyman automatic fire sprinkler fitter's license.

(c) Notwithstanding IC 25-16.5-3, as added by this act, a person that, before July 1, 2009, engages in assisting in the installation of automatic fire sprinkler systems does not violate IC 25-16.5-3-3, as added by this act, and may not be disciplined or sanctioned for failure to have a certificate of registration as an automatic fire sprinkler system apprentice.

(d) This SECTION expires January 1, 2010.

